

TCA Fourth Semi-Annual Report

2016

- Fondita de Jesus Board of Director. (January 2016)
- Carlos Perez Martinez Community Leader. (February & March 2016)
- Attend to Forum 10-4 "Nueva Cobertura Policiaca Desde la Perspectiva de su Relación con los Derechos Humanos" (February 2016)
- TCA and Core Team attend to Plaza las Americas for the PRPD presentation of "The Agreement for the Sustainable Reform of the PRPD. (February 2016)

Appendix 6:

Methodology to Review Action Plans

Cover Letter to the Methodology to Review Action Plans on Professionalization; Supervision and Management; Recruitment, Selection, and Hiring; and Community Engagement and Public Information

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VIA ELECTRONIC MAIL

March 27, 2016

Lt. Col. Clementina Vega Rosario
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Re: USA v. Commonwealth of Puerto Rico, et al., No. 3:12-cv-2039 (GAG)
**Methodology to Review Action Plans on Professionalization;
Supervision and Management; Recruitment, Selection, and Hiring;
and Community Engagement and Public Information**

Lt. Col. Vega:

Thank you for presenting the Action Plans on Professionalization, Supervision, Recruitment, and Community Engagement completed by the Puerto Rico Police Department (PRPD) as part of the Agreement for the Sustainable Reform of the Puerto Rico Police Department (Agreement). The four submitted Action Plans outlined steps that the PRPD has committed to undertake during the Capacity-Building Period to facilitate implementation of the Agreement in these areas. We congratulate PRPD on this significant effort. I now submit the final monitoring methodology for the above mentioned four Action Plans. The methodology reflects the Agreement's requirements during the Capacity-Building Period. The Capacity Building Period began with my appointment as TCA in June 2014 and runs until June 2018.

The purpose of the Capacity-Building Period is best described by the Parties in their "Joint Response to the Six-Month Report of the Technical Compliance Advisor, December 7, 2014 – June 7, 2015," filed on August 17, 2015 (Dkt. #252). In their response, the Parties stated that "[t]he Parties agreed to incorporate a unique capacity-building period during the first four years of the Agreement to permit PRPD to improve and update its management and operating systems and structures." The Parties also agreed to "Action Plans that would be developed by the Commonwealth for each of the eleven substantive sections of the Agreement and would serve as blueprints for PRPD's activities during the capacity-building period."

As I did with the Action Plans for Use of Force, Search and Seizure, Equal Protection, and Civilian Complaints, I have addressed the concerns previously raised by the Parties regarding the foundations of the methodology, so they reflect the applicable provisions of the Agreement. I have also incorporated the goals and objectives of the Capacity-Building Period. The methodology emphasizes collaborative problem-solving among the Parties and stakeholders without neglecting compliance-oriented monitoring and auditing.

The TCA has tailored the methodology for the Capacity-Building Period to achieve the following two objectives: (a) continue to assist the Commonwealth and PRPD in building operational and management systems and structures that will facilitate compliance with the Agreement following the Capacity-Building Period (see Agreement ¶ 236 concerning feedback and technical assistance to develop and implement Action Plans); and (b) to evaluate PRPD's progress by assessing the implementation of its Action Plans (see Agreement ¶ 240). These steps will permit the TCA to meet its reporting obligations under Paragraph 250.

With respect to the first objective under paragraph 236, the TCA incorporates the following steps into the methodological plan to provide further feedback and technical assistance. It is important to note that this technical assistance and feedback is already

provided to the PRPD and that the PRPD conducts its own self-assessment based on similar methodological principles and using similar tools. In general terms, the basic methodological steps to be taken to provide technical assistance and feedback are as follows:

- 1) The TCA will continue to develop onsite tour schedules jointly with the PRPD while informing the Parties;
- 2) The TCA will continue to meet with the Superintendent and/or the PRPD leadership at the beginning of monitoring visits to review goals and monitoring activities;
- 3) The TCA will conduct exit briefings following monitoring visits;
- 4) The TCA will continue to share recommendations and soliciting feedback on implementation priorities;
- 5) The TCA will continue to prepare written memoranda describing recommendations and areas of concern following specific audits or assessments to be shared with the Parties;
- 6) The TCA will continue to identify sources and provide materials on best practices; and
- 7) The TCA will continue to facilitate engagement with community groups and other stakeholders to promote collaborative partnerships and broad participation in the reform process.

In addition, you will find four requirements in the Action Plan for Professionalization that the TCA will request more consideration towards because they are either currently missing or insufficiently developed in the Action Plan:

- (a) Paragraph 13 Staffing;
- (b) Promotion practices based on merit and comply with equal opportunity employment practices;
- (c) Developmental of a career path for officers and its consistency with Paragraph 21 of the Agreement; and

- (d) The self-evaluation activities of PRPD to determine that the Reform Office has the expertise to address all of the self-evaluation activities enumerated in this Action Plan.

With respect to the second objective under paragraphs 240 and 250, the TCA will continue to assess and measure the PRPD's progress against its action plans. The TCA will continue to develop specific measurements of progress for each initiative to report the level of compliance achieved. The TCA will review progress in prior plans and propose corrective actions, as needed. In conducting his organizational assessment of PRPD's action plans and capacity building initiatives, the TCA will use a combination of qualitative and quantitative data collection methods. The emphasis will be on qualitative data collection methods because, as noted in several reports and communications, the PRPD is still in the early process of building robust quantitative data gathering and data reporting capabilities.

The methodology continues to describe the TCA's steps and plans to assist the PRPD in building robust quantitative data gathering and data reporting capabilities. The TCA is closely working with PRPD in the development of the IT Action Plan. These data systems will be essential to the PRPD in order to manage its operations, demonstrate compliance, and share information with the public. The TCA continues to offer the expertise of members of the Core Team with expertise in advanced quantitative methods and one Chief Information Officer in building this quantitative capacity. Other steps are detailed in the specific methodologies.

The TCA's evaluation of the Action Plans will consider the capabilities that PRPD is trying to develop and strengthen through the activities listed in the action plans. Generally, these capabilities should include:

1. Developing adequate policies
2. Managing policy changes and effectively distributing updates to the field
3. Developing adequate training
4. Maintaining current and accurate training records
5. Scheduling training to meet requirements
6. Delivering training effectively and efficiently
7. Collecting and analyzing reliable data
8. Conducting adequate investigations and reaching defensible resolutions
9. Allocating equipment and resources effectively and efficiently.
10. Providing effective supervision in the field
11. Developing and maintaining community partnerships
12. Using IT effectively to advance the agency's mission and compliance.
13. Identifying systemic deficiencies and taking corrective action.

When determining the scale and scope of a report on organizational assessment, decisions must be made about the capacities, core issues, and points of entry to be included in the assessment. What also needs to be established is how these capacities will actually be assessed. The TCA's assessment is to be conducted through a variety of qualitative and quantitative data gathering methods.

Qualitative data gathering methods:

1. Documentary Research and Desk Review.

The TCA will review documentary evidence. This documentation will include internal and external institutional reports, correspondence, organizational and staffing charts, personnel records, administrative reports, MOUs and other agreements, planning documents, needs assessments, monitoring and evaluation reports, and financial records as needed. Access to privileged and confidential documents will be determined on a case-by-case basis.

2. Organizational self-assessment or internal questionnaire.

The TCA will provide, if needed, a structured questionnaire for the PRPD self-assessment in the areas identified in the process. The TCA will also review PRPD's self-assessment reports.

3. Interviewing Key Personnel.

The TCA will interview key individuals who will be able to provide information about the PRPD's programs and initiatives. The best method to collect primary source data is the interviewing of key decision-makers. Unlike an organizational self-assessment report or questionnaire, organizational capacity assessment generates its basic assumptions based on face-to-face, one-on-one targeted interviews. Instead of using a structured questionnaire framework, where interviewers read the questions exactly as they appear on the survey questionnaire and the choice of answers to the questions is often fixed in advance, the TCA will put special emphasis on semi-structured questions.

This method offers flexibility to probe for details, allowing new questions to be brought up during the interview as a result of what the interviewee says. It is a conversation with a purpose. To obtain a balanced view, different perspectives should be gathered. This may imply collecting input from people at various levels of an organization, e.g., managerial, supervisory, and technical personnel at central level and field, persons in charge of personnel planning, recruitment, and training. It may also imply collecting

information from an organization's partners. The ability to identify and gain access to key people with access to information and to extract accurate information from them is an intuitive process that requires skills and sensitivity.

4. Focus Group Discussions.

Aside from in-depth interviews other qualitative methods that the TCA will use as needed are focus group discussions. Focus group process can take advantage of interactions within the group to stimulate participants to exchange information and generate new material. Talking to staff or other stakeholders of an institution in group provides an opportunity to elicit information or check impressions gained by face-to-face interviews

5. Site visits and observation.

The TCA will use site visits and observation to gain additional information. Observations can expose information not otherwise obtained or validate information gained by other means. Observation of physical assets of an institution is a way to assess an institution's stock (for example, inventory, equipment, facilities, and so forth). Observation of the behavior of staff is much more difficult, especially if the time available is short, but can provide important insight.

Quantitative data collection methods:

The TCA will use the expertise of the members of the Core Team familiar with statistical techniques and data analysis to develop complex analysis where statistical significance is emphasized. Although simple descriptive analysis procedures are usually sufficient, results must be generalizable. The TCA will focus on measures or central tendency, variability, comparison of groups, and relationships between variables.

In past communications, the PRPD asked for clarification on the evaluation methodology. In particular, the PRPD asked for additional information on data collection, selection of focus groups, structured interviews, and organizational assessment. The TCA will prepare detailed handouts for the PRPD on how data will be collected, focus groups selected, and questionnaires are prepared. In this process, the TCA continues to use two main references: Stephen Isaac and William B. Michael, Handbook in Research and Evaluation (EDITS: 1995) and Paul Brewerton and Lynne Millward, Organizational Research Methods (SAGE: 2001).

Finally, the TCA will use a separate and specific Methodology and Performance Evaluation Plans for each Action Plan; which will support the TCA in providing Paragraph